

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**April Adams,**  
***Plaintiff,***

**v.**

**Andrei Tcaciiov; HMD Trucking, Inc.;**  
**and US Leasing, LLC.**  
***Defendants.***

§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. \_\_\_\_\_**

---

**DEFENDANT ANDREI TCACIOV’S NOTICE OF REMOVAL**

---

In accordance with 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Andrei Tcaciiov (“Tcaciiov” or “Defendant”), files this Notice of Removal of the action commenced in the 116th Judicial District Court, Dallas County, Texas, styled *April Adams v. Andrei Tcaciiov; HMD Trucking, Inc.; and US Leasing, LLC*, Cause No. DC-20-09225 (“State Court Action”). In support, Defendant shows the following:

**I.  
Timeliness of Removal**

Plaintiff April Adams (“Plaintiff”) filed *Plaintiff’s Original Petition and Discovery Requests* (“Petition”) in the State Court Action on July 7, 2020. Plaintiff’s Original Petition and Discovery requests, attached as Exhibit A. In her Petition, Plaintiff seeks damages under theories of alleged negligence, negligent entrustment, and *respondeat superior*. Defendant Tcaciiov was served with Plaintiff’s Petition on September 11, 2020. *See* Return of Service, attached as Exhibit B at 16. Thus, this Notice of Removal is being filed within 30 days of service of the Petition upon Defendant in accordance with 28 U.S.C. § 1446(b). This Notice of Removal is therefore timely filed.

## II. Grounds for Removal

### A. *Complete Diversity of Citizenship Exists.*

Removal is proper because there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00. 28 U.S.C. § 1332(a). Diversity jurisdiction exists if there is “complete diversity between all named plaintiffs and all named defendants, and no defendant is a citizen of the forum State.” *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 84 (2005). As pleaded in Plaintiff’s Petition in the State Court Action, Plaintiff is domiciled in the State of Texas. Exhibit A at 2 ¶ 4. Plaintiff is therefore a citizen of Texas. Defendant is an individual domiciled in the State of Michigan. Exhibit A at 2 ¶ 5. Accordingly, there is complete diversity of citizenship between Plaintiff and Defendant—thus removal is proper. 28 U.S.C. §§ 1332(a), 1441(a).

### B. *The Amount in Controversy Requirement is Met.*

In the Petition filed in the State Court Action, Plaintiff specifically alleges that she seeks “monetary relief in excess of \$200,000, but less than \$1,000,000.” Exhibit A at ¶ 3. Plaintiff’s allegation unequivocally satisfies the requirements of 28 U.S.C. § 1332(a). Accordingly, the amount-in-controversy requirement for removal based on diversity jurisdiction is satisfied.

## II. Other Procedural Requirements

Defendant files this Notice of Removal in the United States District Court for the Northern District of Texas, Dallas Division, which is the district and division within which the State Court Action was pending. 28 U.S.C. § 1441(a), § 124(a)(2). According to the State Court Action docket sheet, no other defendants have been served. Docket Sheet for the State Court Action, attached as Exhibit B at 2-7. Immediately following the filing of this Notice of Removal, written notice of this filing will be served on Plaintiff’s counsel, as required under 28 U.S.C. § 1446(d). Defendant will

promptly file a copy of this Notice of Removal with the Clerk of the District Court of Dallas County, Texas, where the State Court Action was pending, as required under 28 U.S.C. § 1446(d). By removing the State Court Action to this Court, Defendant expressly reserves, and does not waive, any defenses, objections, or motions under state or federal law. Defendant reserves the right to amend or supplement this Notice of Removal.

**V.  
Exhibits**

In accordance with LOCAL RULE 81.1, this Notice of Removal is accompanied by the following documents:

Exhibit A Plaintiff's Original Petition

Exhibit B Defendant's Index of Documents Filed in State Court Action (w/docs attached).

**VI.  
Conclusion and Prayer**

Having established all of the prerequisites for removal under 28 U.S.C. § 1332, Defendant Tcaciiov prays that he may affect the removal of the State Court Action to the Northern District of Texas, Dallas Division, and for any further relief to which the Court finds that Defendant is justly entitled.

Respectfully submitted,

/s/ Christopher C. White

Christopher C. White

State Bar No. 00794841

[Chris.White@LewisBrisbois.com](mailto:Chris.White@LewisBrisbois.com)

2100 Ross Avenue, Suite 2000

Dallas, Texas 75201

Telephone: (214) 722-7100

Facsimile: (214) 722-7111

**ATTORNEYS FOR DEFENDANT  
ANDRE TCACIOV**

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing document on October 12, 2020, on counsel for Plaintiff  
*via CM/ECF*:

**Brennan Clay**  
**Amy K. Witherite**  
Witherite Law Group, PLLC  
10440 N. Central Expressway, Suite 400  
Dallas, TX 75231  
[brennan.clay@witheritelaw.com](mailto:brennan.clay@witheritelaw.com)  
[amy.witherite@witheritelaw.com](mailto:amy.witherite@witheritelaw.com)

**Attorneys for Plaintiff**

/s/ Christopher C. White  
Christopher C. White